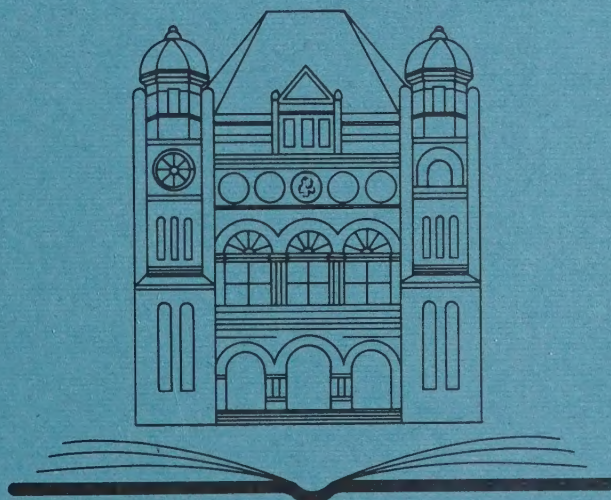
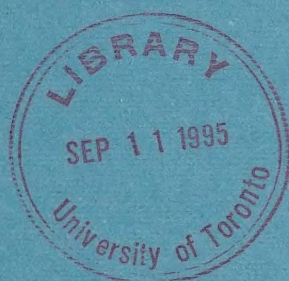


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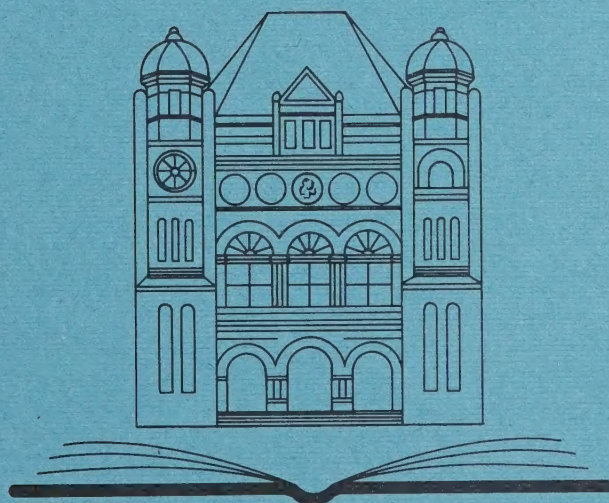
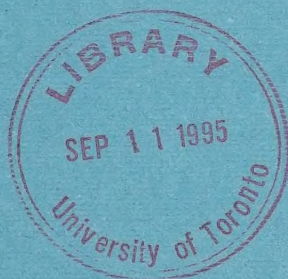


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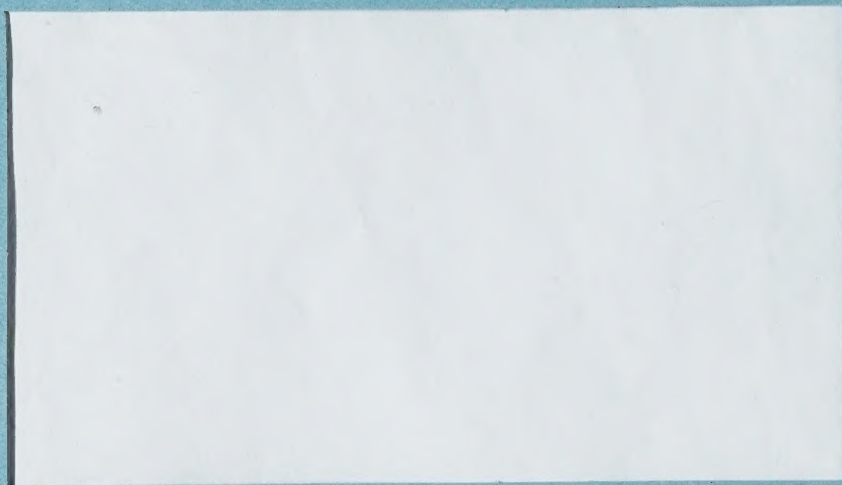
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**CONSTITUTIONAL COMMITTEES
ACROSS CANADA**

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INTRODUCTION

In the aftermath of Meech Lake, politicians have learned that the public must be included in the process of constitutional debate and development. As a result, legislatures across the country established committees to canvass the views of their citizens.

This paper details the activities of federal, provincial, territorial and aboriginal constitutional committees across Canada during the last two years. For the purposes of this paper, each committee has been classified as either:

- *legislative* - all members are sitting members of the Legislature or Parliament. This category includes all-party committees and Cabinet committees;
- *non-legislative* - only members of the general public sit on the body in question; or
- *mixed* - members are selected from both the Legislature or Parliament and the general public.

This paper could best be used as a companion piece to CIP #122 which summarizes the recommendations of committees that have presented their final reports, as well as other constitutional documents; and to CIP #124 which outlines the constitutional positions of provincial and territorial governments, as presented to the Special Joint Committee of the Senate and the House of Commons on a Renewed Canada in late 1991.

Information on the constitutional committees was obtained through telephone interviews with officials from the relevant office in each jurisdiction. This information is accurate as of February 14, 1992.

CANADA (federal)**Citizens' Forum on Canada's Future (non-legislative)**

Also known as the "Spicer Commission," the Citizens' Forum was established in November 1990. After participation by over 400,000 people, the Forum released its *Report to the People and Government of Canada* in June 1991. The report *Young People Speak* was released separately by the Students' Forum, in which 300,000 students participated.

Special Joint Committee of the Senate and of the House of Commons on the Process for Amending the Constitution of Canada (legislative)

Also known as the "Beaudoin-Edwards Committee," the Special Joint Committee was established in December 1990 (House of Commons) and January 1991 (Senate). Its membership included five Senators (3 PC, 2 Liberal) and 12 Members of the House of Commons (7 PC, 3 Liberal, 2 NDP). After conducting hearings across the country, the Committee released its *Report* in June 1991.

Cabinet Committee on Canadian Unity and Constitutional Negotiations (legislative)

Chaired by Constitutional Affairs Minister Joe Clark and co-chaired by Health and Welfare Minister Benoît Bouchard, the 18-member Cabinet Committee was appointed in April 1991, and has met with premiers and other interested parties across the country. The government's constitutional proposals report, *Shaping Canada's Future Together: Proposals*, was tabled in the House of Commons on September 24.

Several background papers have been released as companion pieces to the proposals: *Canadian Federalism and Economic Union: Partnership for Prosperity*; *Shared Values: The Canadian Identity*; *The European Community: A Political Model for Canada?*; *The History of Canada's Constitutional Development*; *Aboriginal Peoples, Self-Government and Constitutional Reform*; *Distribution of Powers and Functions in*

Federal Systems; Responsive Institutions for a Modern Canada; and Shaping Canada's Future Together: Discussion Guide for Participants in Canada's Constitutional Renewal.

The Committee has continued to meet to discuss developments and will increase its activity after the release of the Beaudoin-Dobbie Committee's final report, in order to release a new set of constitutional proposals by mid-April. These proposals will not be the final version, but will be close to it.

Special Joint Committee of the Senate and of the House of Commons on a Renewed Canada *(legislative)*

Also known as the "Beaudoin-Dobbie Committee", the Special Joint Committee was established in June 1991. The Committee consists of 20 Members of the House of Commons (11 PC, 6 Liberal, 3 NDP) and 10 Senators (6 PC, 4 Liberal). Five members from the NDP actually sit on the Committee, two of which vote on a rotating basis to compensate for a lack of NDP Senators. The Committee was originally co-chaired by PC Member Dorothy Dobbie and PC Senator Claude Castonguay. Mr. Castonguay quit his position in November due to ill health and was replaced by Gerald Beaudoin, a PC Senator.

The Committee met with some provincial committees, held hearings in which it heard from 700 expert witnesses, several Premiers, Native leaders and other interested parties, and received 3,000 submissions. The Committee also participated in a series of five constitutional conferences.

The Committee presented its final report March 1, 1992 at which point its mandate expired. After this date, the Committee may be reconstituted with consent of both Houses, or a new committee may be struck in order to study the report in light of recommendations on aboriginal issues.

ALBERTA**Constitutional Reform Task Force of Alberta** *(legislative)*

The Task Force was established in August 1990 and was composed entirely of Progressive Conservative Members of the Legislature. It released a discussion paper, *Alberta in a New Canada*, in February 1991 and has since dissolved.

Select Special Committee on Constitutional Reform *(legislative)*

Established in March 1991, the Committee consists of 16 Members of the Legislature (10 PC, 4 NDP, 2 Liberal). The Committee has held two rounds of public hearings: in May and June; and in September. The terms of reference of the Committee do not prescribe a deadline for a final report, but a report is expected to be released in mid-March (it is not sure at this time whether it will be an interim or final report). In early January, the Committee released the results of a Committee-commissioned Angus Reid poll on constitutional issues.

BRITISH COLUMBIA**Cabinet Committee on Constitution** *(legislative)*

The Committee was formed in November 1991 and consists of six members of the NDP Cabinet with Minister of Social Services Joan Smallwood serving as chair. The Committee will review reports to establish a government stance on constitutional issues. The Committee has no plans to hold hearings or produce reports.

Select Standing Committee on Constitutional Matters and Intergovernmental Relations *(legislative)*

The Committee was established in June 1991, consisting of 14 Members of the Legislature (8 Social Credit, 6 NDP). It held six public hearings from July 22 to August 8, with a list of 58 questions used to help initiate discussion. The Committee

released its *Preliminary Report* on August 15, 1991 and was dissolved due to a provincial election in October.

The Committee will be reestablished when the House reconvenes in March, but with different membership and terms of reference.

The Members' Committee on the Constitution (*legislative*)

The Members' Committee was created in January 1992 by agreement of all three parties to fill the void for a constitutional committee with the Legislature not in session. It consists of 14 members (8 NDP, 4 Liberal, 2 Social Credit) plus Moe Sihota (ex-officio), Minister Responsible for Constitutional Affairs. None of the members were on the previous Standing Select Committee.

The Committee has been holding roundtable discussions with invited witnesses and released an interim report on February 15. The Members' Committee will die when the House reconvenes in March, to be replaced by a renewed version of the Standing Select Committee on Constitutional Matters and Intergovernmental Relations. It is planned that this committee will hold a series of follow-up meetings across the province.

MANITOBA

Manitoba Constitutional Task Force (*mixed*)

The seven-member Task Force was created in December 1990. It consisted of six members of the Legislature (3 PC, 2 NDP, 1 Liberal) plus chair Professor Wally Fox-Decent. After a round of public hearings, an interim report was released in March 1991, in the form of a letter from Professor Fox-Decent to Premier Gary Filmon. The Task Force's *Report* was released October 28, 1991, ending its mandate. There are no new constitutional committees planned at this time. However, a requirement of the Manitoba Legislative Assembly is that public hearings be held on

any constitutional amendment, which guarantees a new committee of some form, probably after the federal government issues its revised set of constitutional proposals.

NEW BRUNSWICK

New Brunswick Commission on Canadian Federalism (*mixed*)

Established in September 1990, the nine-member Commission was composed of four Liberal Members of the Legislature and five private citizens. The Commission held consultations with the public using four formats: briefs from the public; personal interviews by individual commission members; focus groups; and roundtable discussions at monthly commission meetings. The Commission released a status report in the form of a press release in August and then consulted expert witnesses in key areas. The Committee's *Report* was released on January 14, 1991, ending the Committee's mandate. A new legislative committee will hold public hearings on the recommendations of the final report.

New Brunswick Legislative Committee (*legislative*)

The New Brunswick Legislature reconvened February 11. One of the first orders of business for the new Legislature will be to officially create a new legislative committee to examine the report of the New Brunswick Commission. Public hearings will be held February 19-28 and a report is expected by the end of March. The Committee will consist of nine members (5 Liberal, 2 Confederation of Regions, 1 NDP, 1 PC).

NEWFOUNDLAND

Newfoundland Constitutional Committee (*mixed*)

The Newfoundland Committee was established on September 19, 1991 by Premier Clyde Wells, with a mandate to receive public input within the province, to sit with the federal government committee and discuss the proposals, and to advise the government on constitutional issues. The Committee consists of seven Members of

the Legislature (3 Liberal, 2 PC, 1 NDP) and seven private citizens. The Committee's original chair, then Attorney-General Paul Dicks, stepped down in November and was replaced by Aubrey Gover, who also became Attorney-General. In a Cabinet shuffle in February, vice-chair Ed Roberts became the new Attorney-General and will take over as chair of the Committee. Aubrey Gover will remain on the Committee.

The Committee held 11 public hearings in November, followed by a confidential interim report released only to the Premier and Cabinet on January 12. The Committee may hold more public hearings to clarify certain areas. A final report will be produced, but no date has been set.

NOVA SCOTIA

Working Committee on the Constitution (*non-legislative*)

The 12 member Working Committee was appointed in June 1991, consisting of private citizens from a variety of backgrounds. A government discussion paper, *Finding Common Ground*, was released in September as a prelude to a round of public hearings. The Committee's final report, *Canada: A Country for All*, was released November 28, 1991, ending the Committee's mandate. Currently, there are no plans to establish a new constitutional committee.

ONTARIO

Select Committee on Ontario in Confederation (*legislative*)

The Select Committee was established December 20, 1990, consisting of 12 Members of the Provincial Parliament (7 NDP, 3 Liberal, 2 PC). In February 1991, the Committee heard over 600 individuals and groups in its first round of public hearings. This led to an *Interim Report*, released on March 21. The Committee then held two further rounds of hearings on key questions prepared by the Committee, and on the federal proposals.

In October 1991, the Committee held the Ontario in Confederation Conference, which brought a representative group of Ontarians together to discuss constitutional issues in depth. The Committee also travelled across the country to meet with other constitutional committees.

On February 5, 1992, the Committee released its *Final Report*, ending its mandate. One of the report's 39 recommendations was that the Legislative Assembly of Ontario should establish a Standing Committee on the Constitution.

PRINCE EDWARD ISLAND

Special Committee on the Constitution of Canada (*legislative*)

The Committee was set up in March 1991, consisting of seven members (5 Liberal, 2 PC). A round of public hearings was held in May and June. The Committee released its *Report* on September 30, 1991. The Committee has not met since, although technically the Committee will exist until the final report is tabled in the House, which resumes sitting March 23. The Committee will likely be reestablished at that time to respond to new constitutional developments.

QUEBEC

Constitutional Committee of the Quebec Liberal Party (*mixed*)

The Constitutional Committee was popularly known as the "Allaire Committee". Two of the Committee's seventeen members were Members of the National Assembly. All members, but one, were members of the Liberal Party. The Committee released its report, *A Québec Free to Choose*, in January 1991. It was approved (with a few changes) at the Liberal Party convention in March.

Commission on the Political and Constitutional Future of Quebec (*mixed*)

Also known as the "Bélanger-Campeau Commission," the Committee was established in September 1990. The 36 member Commission consisted of Premier Robert

Bourassa, Leader of the Official Opposition Jacques Parizeau, 16 Members of the National Assembly and 18 representatives of Quebec society. After public hearings, the Commission released its *Report* in March 1991.

Committee to Follow up on Electoral Commitments (*mixed*)

This is a standing committee of officials and elected representatives of the Liberal Party to follow up on electoral commitments. It was given the mandate in March 1991 to "scrutinize the activities of the government" with respect to the Allaire report. The Committee held a round of consultations on the federal proposals in October, which formed the basis for an interim report released on December 7, 1991. The Committee is currently idle, awaiting the release of a new set of proposals from the federal government.

**Committee to Examine Matters Relating
to the Accession of Quebec to Sovereignty** (*legislative*)

The Committee was established by Bill 150 in June 1991 and consists of 18 Members of the National Assembly (11 Liberal, 6 PQ, 1 Independent). Two members of the Parti Québécois do not have voting privileges. The Committee has been releasing discussion papers on various aspects of sovereignty on an ongoing basis since October. They have also held hearings of invited expert witnesses. The Committee is expected to submit its report to the National Assembly by June 1992.

**Committee to Examine Any Offer of a
New Constitutional Partnership** (*legislative*)

This Committee was also established by Bill 150 and has 18 members in the same proportion as the Committee on Sovereignty, with two non-voting PQ members. The Committee has held hearings of invited expert witnesses and has plans to hear selected interest groups in the coming months. The Committee's final report is also expected by June 1992.

SASKATCHEWAN

Task Force on Saskatchewan's Future in Confederation (*non-legislative*)

The six-member Task Force was established on August 23, 1991 to develop the province's position in future constitutional negotiations. The Task Force held public hearings individuals and organizations in September and October. A final report is expected by the end of February, at which time the Task Force's mandate expires. The report will consist of what the Task Force heard from the people and will not include any recommendations. No further constitutional committees are planned at this time.

A plebiscite in the October provincial election asked if the people of Saskatchewan should approve, by plebiscite or referendum, any proposed changes to the Canadian Constitution. Approximately 65% responded yes, but according to a Saskatchewan official, such a referendum is unlikely.

NORTHWEST TERRITORIES

Special Committee on Constitutional Reform (*legislative*)

The seven-member Committee was established in March 1990. Its mandate was expanded with the adoption of recommendations put forth in a November 1990 interim report. After its *Report of the Special Committee on Constitutional Reform* was released on July 5, 1991, the Committee remained in existence until dissolution on August 29.

A new Committee of the same name was created on December 9, 1991, consisting of five members of the Legislature, including Hon. Stephen Kakfwi as chair. The Committee presented the Northwest Territories' position on the federal proposals to the Beaudoin-Dobbie Committee, but no further plans will be made until the release of the federal committee's report. The Committee has no deadline for a final report.

**Commission on Constitutional Development
in the Western Arctic (*non-legislative*)**

The five-member Commission was established in July 1991 with a mandate to "develop a comprehensive constitutional proposal for those regions of the Northwest Territories remaining after the creation of Nunavut."

The Commission released a discussion paper, *How Can We Live Together?* in October as a prelude to a round of public hearings that were held in different communities of the NWT from November 4 to December 6. An interim report will be released in late February based on those hearings. A second round of public hearings will be held in March for three weeks, to be followed by a final report by the end of April. This will complete the first phase of the project.

Phase two will entail the completion of a comprehensive constitutional proposal to be ratified by the public. However, the future of phase two is not assured as funding is not yet in place. The Commission has also been providing funding for aboriginal organizations to conduct their own research.

YUKON**Select Committee on Constitutional Development (*legislative*)**

The Committee was established in May 1990, consisting of two members (1 NDP, 1 PC). After public hearings, it tabled its *Report* in May 1991, thereby completing its mandate.

Task Force

A Task Force was created by Premier Tony Penikett to be used as a means of communication to committees in other jurisdictions, specifically the Beaudoin-Dobbie Committee. However, this Task Force has never been used. When the federal committee came to the Yukon, it simply met with representatives from each of the three parties. The Task Force has no terms of reference and an unknown future.

ABORIGINAL**Assembly of First Nations - First Nations
Circle on the Constitution (*non-legislative*)**

The "parallel [constitutional] process" was endorsed by Constitutional Affairs Minister Joe Clark in July 1991, and was originally meant to be comprehensive for all four native groups.

The AFN has held over 50 public hearings since October. Two constituent assemblies have been held dealing with issues related to aboriginal youth and aboriginal women, and two more are expected to deal with issues related to elders and urban aboriginal people. A final report is expected sometime in March.

**Inuit Tapirisat of Canada - ITC Committee
on Constitutional Issues (*non-legislative*)**

The Committee was established in mid-August to "develop positions and strategies to further advance the constitutional recognition of Inuit status and rights." The six-member Committee is chaired by ITC President Rosemarie Kuptana, and consists of a representative from each of the four distinct Inuit regions (Inuvialuit, Tungavik Federation of Nunavut claim area, Nunavik, and Labrador) and a representative from Pauktuutit, the Inuit Women's Association. The Committee has held community consultations within the four regions since October and recently issued a position paper, *Inuit in Canada: Striving for Equality*, which was presented to the Beaudoin-Dobbie Committee. The future of the Committee remains to be determined.

Metis National Council (*non-legislative*)

The Metis National Council could not be reached for comment. The MNC's Constitutional Committee began work in early August and, as of October, had broken down into its four provincial affiliations (in each of the Western provinces) in order to conduct meetings, hearings and workshops. The process was to comprise two phases: phase one, until the end of October, was to receive general input; phase two, until the

release of a final report, expected by the end of March, was to be more intensified and was to study the federal proposals.

Native Council of Canada - NCC
Constitutional Review Commission (*non-legislative*)

The NCC's constitutional process can be divided into a Committee and a Commission. The Committee consists of members of the Board of Directors, and acts as the political arm. The nine-member Commission consists of nominees from six regions across Canada, with Indian and Metis co-chairs.

Since the end of January, the Commission has been holding a series of "constituent assembly style" First Peoples Forums, one in each the six regions. A final forum, the Constitutional Congress, will be held in Ottawa/Hull in late March.

The NCC issued a discussion paper, *Aboriginal Directions for Coexistence in Canada*, in August 1991 and released three additional discussion papers in February 1992. A final report is expected by the end of April.



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